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MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Stephen Cochran, Case Manager
Joel Lawson, Associate Director Development Review

DATE: July 3, 2012

SUBJECT: Extension Request – BZA Case 18064-A, 1820-1822 Jefferson Place, N.W.

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18064-A

EXHIBIT NO. 33

OP RECOMMENDATION: Approve the Extension Request

Applicant:	HAI Real Estate Holdings, LLC
Address:	1820 – 1822 Jefferson Place, N.W.
Ward / ANC	Ward 2; ANC 2B
Project Summary:	Construct a 61 foot high rear addition to an existing office building in the DC/C-3-C zone. BZA Order grants special exception relief from all of the rear yard requirement and from 3 of the 9 required parking spaces.
Date of Order Issuance:	May 21, 2010
Previous Extension:	none
Date of Order Expiration:	May 21, 2012 – request for extension filed May 21, 2012



Figure 1. Site Outlined in Green.
Block bounded by Connecticut Ave. and 18th St., NW, M St. NW, 19th St. NW and Jefferson Pl. NW

EVALUATION OF THE EXTENSION REQUEST

Section 3130.6 of the Zoning Regulations allows for the extension of a BZA approval for “good cause” shown upon the filing of a written request by the applicant before the expiration of the approval; provided that the BZA determines that the following requirements are met:

- (a) The extension request is served on all parties to the application by the applicant, and all

parties are allowed thirty (30) days to respond. §3130.9 further provides that a time extension filed at least 30 days prior to the expiration date shall toll the expiration date to allow the BZA to consider the request.

The application was submitted May 21, 2010, the day the order was scheduled to expire. The applicant has submitted a request for a waiver of the filing date, pursuant to 11 DCMR § 3130.1

- (b) There is no substantial change in any of the material facts upon which the Board based its original approval of the application that would undermine the Board's justification for approving the original application.**

Zoning Regulations:

There has been no substantial change that would impact the material facts upon which the BZA based its original approval

Surrounding Development:

There has been no substantial change to the nature of surrounding development that would impact the material facts upon which the BZA based its original approval

Proposed Development:

No changes to the approved development are proposed as part of this extension request.

- (c) The applicant demonstrates that there is good cause for such extension, with substantial evidence of one or more of the following criteria.**

- (1) An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant's reasonable control;**

The applicant has provided a letter from Fraser Forbes Real Estate Services noting that the applicant's personal circumstances and difficult market conditions have led the applicant to list the property for sale or partnership development for the past 12 months, that 2 of the 3 received offers are under active negotiation, and that these negotiations are dependent on the extension of the zoning relief

- (2) An inability to secure all required governmental agency approvals by the expiration date of the Board's order because of delays that are beyond the applicant's reasonable control;**

This criterion is not applicable to this request

- (3) The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control.**

The applicant states that his two recent back operations, the unexpected death of his wife in 2011 and the sudden death of his step-sister in 2012 have impeded his ability to focus on both the development and the timely filing of the extension request

ADDITIONAL INFORMATION

ANC 2B voted to support the application on June 13, 2011